

CONSERVATION COMMISSION DETAILED AGENDA

Date: January 5, 2023

Time: 6:00 pm



DECISIONS

I. WETLANDS DECISIONS

1. 16 Mt. Dan Road –*continued* NOI – Raze and rebuild of a lakefront home – DEP File #300-1135

- Owner/Applicant: Deborah Weber Representatives: L. Jalbert, Jalbert Engineering
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone, Bank
- Project Status Summary
 - Project includes the raze and rebuild of the existing house. The parking area will be expanded to park five cars with a gravel base and stone top on the opposite side of the private road. 2 sets of stairs proposed within the bank of the pond. Project has been continued to allow the Applicant to address the board’s comments.
- Staff Notes:
 - New materials have been received which include:
 - Site Plans: “Site Plan for Weber, Gross & Bennett” Revision #5 prepared by Jalbert Engineering last revised 12-29-22
 - Architectural Insights Memorandum dated 12-29-22
 - Architectural Plans: Proposed Construction for Webber Residence” prepared by Architectural Insights dated 12-28-22
 - Narrative includes request for a waiver, summary of project revisions and outlines alternatives reviewed and mitigation provided. Also, includes construction sequence.
 - Project will result in reduction of structure within the 50’ buffer by 36 sq. ft. and removes structures within 25 ft. Steep slopes along roadway to be lessened.
 - An additional tree along the shoreline will be kept. 3 originally proposed to be removed now just 2 based on arborist evaluation.
 - Applicant requesting to permit stairs on the N side of the deck. This will move the stairs vs. what is shown on the plan. Minimal change. Location of boulders may require changes here regardless.
 - Impact to Bank is minimal and as noted previously appears to meet performance standards. No concerns but requires conditioning during work.
- Staff Recommendations: Provided the board is satisfied, staff recommend to vote to close the hearing.
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Submit arborist report demonstrating that the landscape plantings have been installed in compliance with the approved plans. Also, to include a review of health of landscape plantings post installation for success for two growing season after installation. Deceased plants shall be replaced.
 - Bank Work:
 - A drop cloth or similar material shall be placed on the Land Under Water during work. All fallen materials shall be removed at the end of each work day.
 - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions (during lake drawdown).
 - Toe of stairs must end at existing toe of Bank.

Conservation Agent

Rebecca Gendreau

Administrative Assistant

Erin Carson

Conservation Commission Members

Ed Goodwin

Erik Gaspar

Roy Bishop

Ted Winglass

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- Applicant is required to receive all other permitting including a Chapter 91 license if required. Application to DEP required prior to the start of work or negative determination.
 - A phased erosion control plan shall be developed for the various phases of construction.
 - All trees within the work area that are to remain must be protected during work to include root zone protection. Snow fencing or another similar material shall be used. Root zone protection requirements shall be established by a certified arborist.
 - Documentation of proper patio and stormwater structures, per the plan & manufacturer specifications, must be provided to the SCC. Buried structures must be photographed before backfilling.
 - Perpetual conditions for stormwater structures.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 for SFH projects has been previously required.
2. **698 Main Street– NOI-Construction of a commercial building with associated parking and utilities-DEP File# 300-1144**
- Owner/Applicant: J. Procon, Interstate Towing Representative: G. Krevosky, EBT Environmental
 - Request: Issue an Order of Conditions
 - Jurisdiction: Buffer Zone
 - Project Summary: Project includes the construction of a 7,000 sq. ft. commercial building with associated parking areas and utilities.
 - Staff Notes:
 - Hearing was continued to allow project revisions to address peer review comments.
 - New materials have been received which include:
 - Site Plans: “Proposed Interstate Towing Facility” Revision #2 prepared by CMG last revised 12-5-22
 - Interstate Towing Building Plans, prepared by Roy S. Brown Architects dated 9-10-22
 - Stormwater Report revised 11-30-22
 - CMG Memo, dated 12-6-22
 - Pare Corp Review Memos: dated 12-4-22 and 12-6-22
 - Project has been revised twice since the last meeting to address peer review comments.
 - Peer review was conducted for both stormwater management and traffic.
 - Pare’s memos have been provided. Pare is satisfied with the modifications.
 - Project has been approved by the Planning Board.
 - Project meets stormwater standards and local wetland bylaw setbacks.
 - Staff Recommendations: Provided that the board is satisfied, staff recommend that the hearing is closed.
 - Vote to approve and issue an Order of Conditions pursuant to the WPA with the following special conditions:
 - Standard OOC conditions.
 - Prior to the start of work, Environmental Monitor designated to monitoring all activity within buffer zones to ensure compliance with this Order of Conditions. The Environmental Monitor shall perform site inspections bi-weekly throughout construction and submit regular progress/monitoring reports.
 - Prior to the start of work, a copy of the authorized EPA Notice of Intent and completed Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Conservation Commission.
 - Prior to the start of work, annual O & M budget and signed illicit discharge statement to be submitted.
 - Perpetual conditions for stormwater structures and fence.
 - Evidence of maintenance of the stormwater management system shall be provided to the Commission on annual basis.
 - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
 - Conditions noted above.
 - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$10,000 for commercial development of this nature required. To be released upon issuance of a Certificate of Compliance.

3. **Lot 3, 20 Fiske Hill Road & 30 Main Street (Future Road named Berry Farm) – NOI-Construction of a 68 lot manufactured housing community-DEP File# 300-XXXX**

- Owner: M. Sosik Applicant: Justin Stelmok Representative: B. Madden, LEC Environmental
- Request: Issue an Order of Conditions
- Documents Presented: n/a
- Jurisdiction: Buffer Zone & Vernal Pool Habitat (SWB only 365-1.4 & 365 5.6)
- Project Summary: Project under DEP File #300-1132 was withdrawn without prejudice and re-filed.
 - Staff Notes: DEP File # and comments not received to date.
 - Pare Corp. stormwater peer review report received. Mr. Shevlin will present at this meeting.
 - Oxbow Associates report received. Oxbow will be present at the meeting. Oxbow recommends expanding VP buffer protections to extent allowable per bylaw for additional VP habitat protections. Also, notes potential conditions for board to consider such as: VP certification for extra protections afforded to VPs & Vernal Pool Monitoring.
 - Application and O & M Plan note a reduced salt program. Details on what this entails should be provided and included in the O&M Plan. Water quality degradation is a significant concern for the viability of the vernal pools.
 - Staff recommend that the board consider maximizing the extent allowable for VP habitat protections & require that it is documented that there are viable alternatives to the crossing structure, salt use and to avoid the 200' VP habitat beyond the statements included.
 - When appropriate staff would recommend conditions to include: land protection through a CR; multi-year vernal pool monitoring (as recommended & to include water quality testing of the vernal pools), VP certification (if it has not been done to date as requested), stormwater management system testing to demonstrate effectiveness as designed and outlined in the stormwater report (to include surface water quality testing & runoff rates compared to pre-development), environmental monitoring during construction w/ reporting, a bond, a detailed phasing plan as project will be conducted over multiple years, requirement to develop plan to adjust project methodologies or practices if VP populations impacted, VP water quality impacted and/or stormwater system not functioning as designed.
- Staff Recommendations: Staff recommend continuing to allow applicant time to address items listed above and DEP file # with comments have not been received to the next meeting: Jan. 26th.

II. WETLAND DECISIONS

4. 50 Hall Road – Emergency Certification

- Applicant: OFS Fitel, LLC
- Request: Ratify issued Emergency Certification
- Staff Notes: Water line burst on property caused building flooding. Excavation of the parking lot is required to locate damaged pipe and to make repair. Work started on 12-28-22 and completed.
- Staff Recommendations: Ratify issued Emergency Certification

5. 40 Draper Woods Road –Request for a Partial Certificate of Compliance-DEP File#300-0459

- Applicant: Morgan Reynolds Permit Holder: Swiacki and Company
- Request: Issue a partial COC
- Staff Notes: Partial request. OOC for complete subdivision. This lot is not within jurisdiction but deed encumbered with the OOC.
- Staff Recommendations: Issue partial CoC. No perpetual conditions required.

III. ADMINISTRATIVE DECISIONS

6. Minutes of 12/5/22 to be approved

- Staff Recommendations: Vote to accept the 12/5/22 minutes.

IV. OLD BUSINESS

7. 53 Beach Ave. Partial Certificate of Compliance DEP File #300-899

- Staff Notes: Partial CoC issued for this project in 2019 by previous property owner. This was not recorded and not available to the new property owner. Required to re-issue. Electronic signatures not utilized at that time so requires signature by board.

8. 413 Main Street

- Staff Notes: Discussion continued to allow project team to develop a restoration plan.

9. 226 Roy Road DEP File #300-964

- Staff Notes: OOC was extended to allow restoration activities to commence which included removal of a temporary driveway. 3 trees were permitted to be removed and timber mats laid down to allow the house sections to be brought in. An asphalt millings driveway was installed. Extended OOC does not appear to have been recorded. Property owner

requested to attend meeting and provide proof of recording and status of restoration activities. Original OOC issued in 2016 and extension in 2019. Staff are not aware that the restoration activities have been completed.

10. 110 Brookfield Road

- Staff Notes: At the 11-17-22 meeting, it was discussed that a NOI was to be filed for activities conducted and proposed on site without permits. No filing or additional information has been received. Property owner requested to attend the meeting. No formal enforcement actions have been taken to date beyond a cease and desist.

V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space, and Lakes

VI. CORRESPONDENCE

11. National Grid Yearly Operational Plan Public Notice

VII. NEW BUSINESS

12. Agent's Report

13. Next Meeting-Thursday January 26, 2023 and Site Visit Schedule-Tentative-January 17th, 2023, 9 AM
